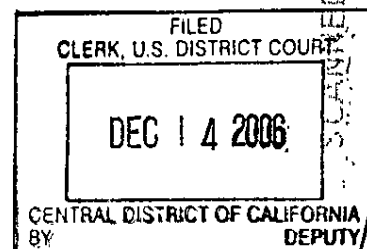


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SEND



8 Attorneys for Plaintiff  
 9 United States of America

## UNITED STATES DISTRICT COURT

## FOR THE CENTRAL DISTRICT OF CALIFORNIA

10  
 11  
 12 UNITED STATES OF AMERICA, ) Case No. CR 06-391-RMT  
 13 Plaintiff, ) STIPULATION REGARDING CONTINUANCE  
 14 ) OF MOTIONS HEARING DATE;  
 15 ) [PROPOSED] ORDER  
 16 STEVEN ERIK PROWLER, )  
 Defendant. ) Proposed Date: January 16, 2007

17  
 18 Plaintiff United States of America, by and through its counsel  
 19 of record, the United States Attorney for the Central District of  
 20 California, and defendant Steven Erik Prowler, by his attorney of  
 21 record, Deputy Federal Public Defender Christopher W. Dybwad, hereby  
 22 stipulate and agree as follows:

23 1. On or about October 16, 2006, defendant filed a Motion to  
 24 Dismiss the Indictment, which challenges Congress' enactment of 18  
 25 U.S.C. § 2423(c). On the same date, defendant also filed a Motion  
 26 to Suppress Evidence ("Suppression Motion"), which seeks to suppress  
 27 a post-arrest statement made by defendant in Thailand to the Royal

28 cc: PSA  
 USM

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1 Thai Police. Defendant noticed both of his Motions to be heard on  
2 November 6, 2006.

3 2. On October 24, 2006, the government filed an unopposed ex  
4 parte application for additional time to respond to the Motions and  
5 for a modification of the briefing schedule. With respect to the  
6 Suppression Motion, the government advised the Court, among other  
7 things, that if the facts concerning the Suppression Motion were  
8 ultimately deemed to be in dispute, it may be necessary to arrange  
9 for a Senior Special Agent with the Bureau of Immigration and  
10 Customs Enforcement ("BICE") to travel from Thailand to the United  
11 States to attend the hearing on the Suppression Motion. The Court  
12 subsequently granted the government's ex parte application and  
13 scheduled the hearing on the Motions to take place on November 20,  
14 2006.

15 3. Prior to November 20, 2006, counsel for defendant  
16 requested that the hearing on the Motions be continued from November  
17 20, 2006, to November 28, 2006, because counsel for defendant had a  
18 scheduling conflict that prevented him from being present for the  
19 November 20, 2006, hearing. After learning of defense counsel's  
20 request, government counsel informed counsel for defendant that  
21 continuing the hearing on the Motions from November 20, 2006, would  
22 make it difficult for the BICE Senior Special Agent, who had  
23 submitted a declaration in support of the government's opposition to  
24 defendant's Suppression Motion, to travel to the United States for  
25 the new hearing date. The parties were also informed by the Court  
26 that it would be difficult for the Court to calendar the hearing for  
27 a date in December 2006.  
28

4. At the request of the parties, the Court subsequently took the hearing on the Motions off of the Court's calendar in anticipation that the parties would stipulate to a new hearing date.

5. Accordingly, the parties hereby stipulate and request that the hearing on the Motions be continued to the week of January 16, 2007, the week before the trial of this matter, which is currently scheduled for January 23, 2007. Continuing the hearing to the week before the trial of this matter will help to alleviate the need for the BICE Senior Special Agent to have to travel overseas twice in January 2007.

IT IS SO STIPULATED.

DATED: December 13, 2006

Respectfully submitted,

DEBRA WONG YANG  
United States Attorney

THOMAS P. O'BRIEN  
Assistant United States Attorney  
Chief, Criminal Division

SHERILYN PEACE GARNETT  
Assistant United States Attorney

DATED: December 13, 2006

CHRISTOPHER M. DYBWAD  
Attorney for defendant

PROPOSED ORDER

FOR GOOD CAUSE SHOWN, it is hereby ordered that for all the reasons set forth above, the hearing on defendant Steven Erik Prowler's Motion to Dismiss and Motion to Suppress Evidence is continued to January 16, 2007, at 9:30 a.m./p.m.

DATED: December 14, 2006

THE HONORABLE ROBERT M. TAKASUGI  
United States District Judge

CERTIFICATE OF SERVICE

I, **LORINDA CANTU** declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is the Office of the United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California, 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of the United States District Court for the Central District of California, at whose direction I served a copy of

**STIPULATION REGARDING CONTINUANCE OF MOTIONS HEARING DATE;  
[PROPOSED] ORDER**

service was:

☒ Placed in a closed envelope, for collection and interoffice delivery addressed as follows:

☐ Placed in a sealed envelope for collection and Mailing via United States Mail, addressed as follows:

☐ By hand delivery addressed as follows:

☐ By facsimile as follows:

**CHRIS DYBWAD  
DEPUTY FEDERAL PUBLIC DEFENDER  
321 EAST 2<sup>ND</sup> STREET  
LOS ANGELES, CA 90012**

This Certificate is executed on , December 13, 2006 Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.

  
LORINDA CANTU